

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

EMPLOYERS MUTUAL CASUALTY
COMPANY, an Iowa corporation,

Plaintiff,

v.

MK WEEDEN CONSTRUCTION,
INC., a Montana corporation; MK
EQUIPMENT CO., LLC, a Montana
limited liability company; WEEDEN
CONSTRUCTION, LLC, a Montana
limited liability company; MONTE K.
WEEDEN, individually, and JULIE A.
WEEDEN, individually

Defendants.

CV 24-112-BLG-SPW

ORDER AND JUDGMENT

This matter, having come before the Court on the Stipulated Motion for Confession of Judgment between Employers Mutual Casualty Company (“Surety”), and MK Weeden Construction, Inc. (“MK Weeden”), MK Equipment Co., LLC (“MK Equipment”), Weeden Construction, LLC (“Weeden Construction”), and Julie A. Weeden (“Ms. Weeden”) (collectively, “Indemnitors”),

THE COURT, having reviewed the Stipulated Motion for Confession of Judgment (Doc. 36-5), and otherwise being fully advised in the premises;

FINDS that the terms and conditions of the Stipulated Motion for Confession of Judgment are reasonable; and therefore:

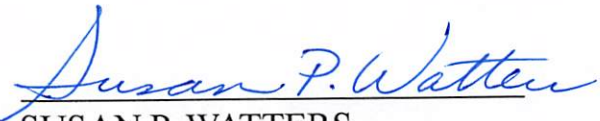
ORDERS THAT a final judgment shall enter against MK Weeden Construction, Inc., MK Equipment Co., LLC, Weeden Construction, LLC, and Julie A. Weeden (individually), jointly and severally, in favor of Surety in the principal amount of \$2,750,000, plus pre-judgment interest and post-judgment interest pursuant to M.C.A. § 27-1-211 and M.C.A § 25-9-205, less payments of principal and interest made to Surety under the Settlement Agreement and Commercial Security Agreement;

ORDERS THAT judgment is entered against MK Weeden Construction, Inc., MK Equipment Co., LLC, Weeden Construction, LLC, and Julie A. Weeden (individually), jointly and severally, in favor of Surety for the Surety's attorneys' fees and costs incurred through the date of this Order and Judgment, which shall be verified by an Unopposed Motion for Attorneys' Fees and Costs that Surety's counsel shall file within 14 days from the date this Order and Judgment is entered, plus pre-judgment interest and post-judgment interest pursuant to M.C.A. § 27-1-211 and M.C.A. § 25-9-205;

ORDERS THAT all counterclaims asserted by Indemnitors, or which could have been asserted by Indemnitors against Surety in this matter, are hereby dismissed, with prejudice;

ORDERS THAT pursuant to Federal Rule of Civil Procedure 54(b), Surety has asserted more than one claim for relief against multiple parties (the Indemnitors and Monte K. Weeden, individually), but this Court is hereby directing entry of final judgment as to all claims, against the Indemnitors, but not Monte K. Weeden (individually), and this Court has expressly determined that there is no just reason for delay for doing so.

DATED this 18th day of December, 2024.


SUSAN P. WATTERS
United States District Judge